REMARKS

Favorable reconsideration of this application as presently amended and in light of the following discussion is respectfully requested.

Claim 1-6, 9-19, 21, 22 and 24 are pending in the present application. Claims 1, 4, 11 and 16 have been amended by the present Amendment.

In the outstanding Office Action, Claims 1, 2, 4, 5, 9, 11, 12, 14, 16-19 and 22 were rejected under 35 U.S.C § 103(a) as unpatentable over Kim et al. in view of Hagting et al.; and claims 3, 6, 10, 13, 15, 21, 23 and 24 were rejected under 35 U.S.C. § 103(a) as unpatentable over Kim et al., Hagting et al. and Zeira et al.

Claims 1, 2, 4, 5, 9, 11, 12, 14, 16-19 and 22 stand rejected under 35 U.S.C § 103(a) as unpatentable over Kim et al. in view of Hagting et al. This rejection is respectfully traversed.

In the previously filed response, comments were presented that the present invention uses a combination of first and second timer to determine if the RCL_ACK is received from RNC and to determine whether or not to revert back to a previous backed-up radio link set. Regarding these comments, the Office Action invites the Applicant to include in the claim language the combination of using both the first and second timers and that the expiration would result in "reverting back step". It is respectfully noted independent claims 1, 4, 11 and 16 have been amended to clearly recite these features. For example, independent claim 1 has been amended to clarify that the method includes reverting the changed radio link set back to the previous backed-up radio link set when the reply signal is not received and <u>both of the first and the second periods of time have expired</u>. These features are supported at least by Figure 4. Independent claims 4, 11 and 16 include similar features in a varying scope.

For example, with reference to Figure 4, the method first determines whether the second timer has expired (S15), and if the second timer has expired (yes in S15), the active set update complete message is retransmitted. If the second timer has not expired (no in S15), the method continues to wait to determine if an RLC_ACK has been received. Further, after the second timer has expired, the method also determines whether the first timer has expired (S18). If the first timer has expired in addition to the second timer (yes in S18), the changed radio link is reverted back to the previous backed-up radio link set (yes in S19). Thus, the present invention uses a

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combination of first and second timers to determine if the RCL_ACK is received from the RNC and to determine whether or not to revert back to a previous backed-up radio link set.

As discussed in the previously filed response, Kim et al. and Hagting et al. do not teach or suggest these features. In more detail, the first and second timers in Kim et al. are not related to each other. For example, the alleged first timer for counting the first period of time refers to an action time that the node B is to transmit the user data to the UE (see paragraph [022]). In addition, the second timer in Kim et al. is not related to the first timer.

Thus, Kim et al. does not teach or suggest using a combination of timers to advantageously revert back to the previous backed-up radio link as in present invention. Hagting et al. also does not teach or suggest these features.

Accordingly, it respectfully submitted independent Claims 1, 4, 11 and 16 and the claims dependent therefrom are allowable.

Further, it respectfully submitted the rejections of Claims 3, 6, 10, 13, 15, 21, 23 and 24 under 35 U.S.C § 103(a) noted in item 6 of the Office Action has also been overcome as these claims are dependent claims and Zeira et al. also does not teach or suggest the features recited in the correspondent independent claims.
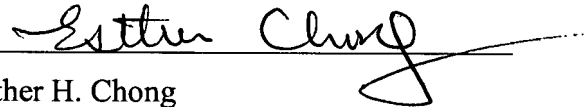
Conclusion

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact David A. Bilodeau. (Reg. No. 42,325) at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37.C.F.R. §§1.16 or 1.14; particularly, extension of time fees.

In view of the above amendment, applicant believes the pending application is in condition for allowance.

Dated: June 12, 2007

Respectfully Submitted,

By _Esther Chong_

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